

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Civil No. 11-603

2007 HARLEY DAVIDSON FLSTF FAT BOY
VIN:1HD1BX5137Y061541,

2005 DODGE MAGNUM WAGON V8
VIN:2D4GV58225H654619,

Defendants,

and

LUIS RAUL VILLA AND
HARLEY DAVIDSON FINANCIAL SERVICES,

Claimants.

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

Plaintiff states:

JURISDICTION AND VENUE

1. This is a civil action *in rem* for forfeiture of Defendants which have been located and will be arrested by execution of a Warrant for Arrest in the District of New Mexico; and during the pendency of this action Defendants, or its equivalent or proceeds thereof, will be subject to the jurisdiction of this Court.

2. The United States District Court for the District of New Mexico has exclusive, original jurisdiction under 28 U.S.C. §§ 1345, 1355 and 1356.

3. Venue is proper under 28 U.S.C. §§ 1355 and 1395.

4. The “res” or Defendant Property which are the subject of this action are:

- a 2007 Harley Davidson FLSTF Fat Boy VIN:1HD1BX5137Y061541; and
- a 2005 Dodge Magnum Wagon V8 VIN:2D4GV58225H654619

(hereafter referred to as "Defendant Vehicles").

PARTIES AND CLAIMANTS

5. The following persons may claim an interest in Defendant Vehicles:

- (a). Harley Davidson Financial Services at 3850 Arrowhead Dr., Carson City, NV 89706.

STATEMENT OF FACTS

6. In April 2009, the Federal Bureau of Investigation (FBI) had received information that Luis Raul Villa distributed large amounts of cocaine. The FBI conducted surveillance and observed Villa participate in activities consistent with those of a drug trafficker. Investigation was initiated on the Luis Raul Villa Drug Trafficking Organization (DTO). Initial investigation indicated that Luis Villa was the leader of an organization that distributed a significant amount of cocaine.

7. During the FBI investigation, multiple controlled narcotics purchases were conducted at Armageddon Paintball located at 2700 Isleta Blvd. SW, Albuquerque, NM 87105. A confidential source (CS) advised agents that Luis Raul Villa conducts most of his illegal drug trafficking transactions out of Armageddon Paintball located at 2700 Isleta SW. A CS was provided official funds and instructed to purchase a quantity of cocaine from Luis Raul Villa at Armageddon Paintball at 2700 Isleta Blvd. SW. On each occasion, the CS was followed by agents to 2700 Isleta Blvd. SW. The CS entered Armageddon Paintball and purchased cocaine

from Luis Raul Villa or from another member of the Villa DTO at Villa's direction. Subsequent to the controlled narcotics purchases, the CS met with agents and provided them with the cocaine purchased at Armageddon Paintball.

8. Villa and his girlfriend, Lucero Perdomo, reside at 612 Montoya NW, Albuquerque, NM. For months FBI conducted surveillance and observed Villa traveling between Armageddon Paintball in a Dodge Dually Pickup and in a 2005 black Dodge Magnum (one of the Defendant Vehicles).

9. On June 4, 2010, FBI initiated an undercover drug transaction and sold Villa 7.5 kilograms of cocaine.

10. On that same day, FBI agents executed a search warrant at 612 Montoya Road NW, Albuquerque, NM. Upon their arrival agents observed Villa flee from the residence on foot and throw a blue duffle bag over an adjacent fence. The blue duffle bag was retrieved and contained seven individual packages of cocaine, weighing a total of 7.5 kilograms.

11. Villa's 2007 Harley Davidson FLSTF Fat Boy and 2005 Dodge Magnum Wagon V8 were seized.

12. On February 14, 2011, in *U.S. v. Luis Raul Villa*, Criminal No. 10-1925, Luis Raul Villa pled guilty to an Information charging him with being in Possession with Intent to Distribute 500 grams and more of cocaine. In his plea agreement he agreed immediately to forfeit to the United States his right, title, and interest in both Defendant Vehicles. *See U.S. v. Luis Raul Villa* at Doc. 32. As a result, Villa is not being provided notice of this civil forfeiture action.

CLAIMS FOR RELIEF

13. Defendant Vehicles are subject to arrest and forfeiture to Plaintiff under 21 U.S.C.

§ 881(a)(4) because they were used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession or concealment of illegal controlled substances.

14. Defendant Vehicles are subject to arrest and forfeiture to Plaintiff under 21 U.S.C. § 881(a)(6) because they were furnished, or intended to be furnished, in exchange for an illegal controlled substance, or constitute proceeds traceable to such an exchange, or were used or intended to be used to facilitate a violation of the Controlled Substances Act.

WHEREFORE, Plaintiff seeks arrest of Defendant Vehicles and forfeiture of same to Plaintiff, determination of the validity and priority of claims of the Claimants and any Unknown Claimants to the Defendant Vehicles, costs and expenses of seizure and of this proceeding, and other proper relief.

Respectfully submitted,

KENNETH J. GONZALES
UNITED STATES ATTORNEY



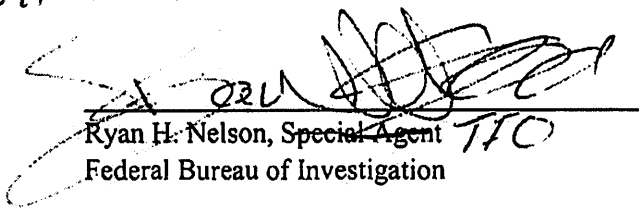
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28 U.S.C. § 1746 DECLARATION

Task Force Officer
I am an ~~Special Agent~~ with the Federal Bureau of Investigation who has read the contents of the Complaint for Forfeiture *In Rem* to which this Declaration is attached; and the statements contained in the complaint are true to the best of my knowledge and belief.

I declare under penalty of perjury under the laws of the United States of America that this Declaration is true and correct, except as to matters stated on information and belief, and as to those matters I believe them to be true.

DATED: 7/07/2011


Ryan H. Nelson, Special Agent
Federal Bureau of Investigation